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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY: Helene GabelDATE: November 1, 2002PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED**

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TECH CENTER 1600/2900

In Re: Patent Application : Group Art Unit  
of Ian Hector Frazer *et al.* : 1636  
Conf. No.: 4929 :  
Appln. No.: 09/900,345 : Examiner:  
Filed: July 6, 2001 : Terry Alan McKelvey  
For: METHOD AND POLYNUCLEOTIDES : Attorney Docket  
FOR DETERMINING TRANSLATIONAL : No. **10338-5 US**  
EFFICIENCY OF A CODON : (2423066/VPA)

**AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT**

This is in response to the outstanding Office Action dated October 2, 2002 (Paper No. 12), concerning the above-identified application.

Please amend the above-identified application, without prejudice, as follows:

**In the Claims:**

Please cancel claims 1-6 and 11-22, without prejudice to their inclusion in one or more related applications.

Please amend claim 7, without prejudice, as shown in the accompanying document entitled "Marked Up Amended Claim 7, As Amended . . .," to read as follows:

A. --7. A synthetic construct comprising a regulatory polynucleotide operably linked to a tandem repeat of a codon fused in frame with a reporter polynucleotide that encodes a reporter protein.--

Please add the following new claims 23-57.

A2 --23. (New) The construct of claim 7, wherein the tandem repeat comprises at least three copies of the codon.

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